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IN THE

Supreme Court of the United States

OCTOBER TERM, 1970

NO. 128

IN RE BARBARA BURRUS, ET AL., *Petitioners*

ON WRIT OF CERTIORARI TO THE SUPREME COURT OF NORTH CAROLINA

BRIEF FOR THE PUBLIC DEFENDER SERVICE FOR THE DISTRICT OF COLUMBIA AND THE NEIGHBORHOOD LEGAL SERVICES PROGRAM OF WASHINGTON, D.C. AS AMICUS CURIAE

NORMAN LEFSTEIN
LAWRENCE H. SCHWARTZ
Public Defender Service
310 Sixth Street, N.W.
Washington, D.C. 20001

MARTIN MENDELSOHN
Neighborhood Legal Services Program
224 Seventh Street, S.E.
Washington, D.C. 20003

Of Counsel:
PATRICIA M. WALD
2100 M Street, N.W.
Washington, D.C. 20037

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The Public Defender Service for the District of Columbia and the Neighborhood Legal Services Program of Washington, D.C. file this brief *Amicus Curiae* pursuant to consent of the parties.

INTEREST OF AMICUS CURIAE

The Public Defender Service (PDS) for the District of Columbia (formerly the Legal Aid Agency) is required by statute to represent youths charged with delinquent conduct in the D.C. Juvenile Court. Presently the PDS has six attorneys assigned to the court full-time, and during the past two years PDS attorneys have appeared in more than 2500 delinquency cases.

The Neighborhood Legal Services Program (NLSP) of Washington, D.C. is funded by the Office of Economic Opportunity to represent indigent clients in civil matters before courts and government agencies. It has nine neighborhood based offices where eligible residents may seek legal aid. Since its formation in 1965, NLSP has represented youths in the D.C. Juvenile Court, and in 1969 handled 117 juvenile matters.

Both the PDS and NLSP believe that the right to a jury trial is essential in providing adequate legal representation in many of the cases its attorneys handle, and that a Supreme Court decision declaring this right constitutionally guaranteed is necessary at this time. Effective February 1, 1971, pursuant to Public Law 91-358, the right to a jury trial in the D.C. Juvenile Court—a right which has existed by statute since 1906—will be repealed.

QUESTION PRESENTED

Whether juveniles who are denied trial by jury on the issue of their delinquency in juvenile court proceedings are deprived of their rights under the Sixth and Fourteenth Amendments?

SUMMARY OF ARGUMENT

Reliable evidence establishes that the results of a sizeable percentage of cases are determined by whether the verdict is rendered by a judge or jury. While judges tend to be less lenient than juries, this is primarily due to a bias against defendants, not to greater experience in evaluating testimony. Also, judges are frequently, perhaps unintentionally, influenced by prejudicial information which has no legal relevance to a decision in the case, and which is properly concealed from a jury. This Court itself has recognized that the jury acts as a protection against the "compliant, biased, or eccentric judge," and such protection is particularly important in the juvenile field for juvenile court judges are sometimes not as well qualified as those found in other trial courts. Indeed, an intensive empirical study conducted after

this Court's landmark *Gault* opinion found that juvenile court judges often flagrantly withhold from juveniles constitutional rights guaranteed in that decision. Juries, on the other hand, are not simply sentimentalists, but are capable of conscientiously applying the law, particularly the standard of reasonable doubt, to difficult factual situations.

Extension of the jury trial right to all juvenile courts would not precipitate serious or unmanageable administrative problems. Presently in the United States the statutes of eleven jurisdictions contain provisions for jury trials in delinquency cases. In recent months *Amicus Curiae* have surveyed the experience with jury trials of thirty-one juvenile courts situated in these eleven jurisdictions. We conclude that jury trials are infrequently requested in juvenile delinquency cases, even where counsel is present and the right to demand such trials has existed for many years. In fact, in only four of the thirty-one juvenile courts surveyed have there clearly been more than fifteen requests and/or jury trials held during the past five years. Not one of the thirty-one jurisdictions has experienced administrative problems attributable to the jury trial right. In short, constitutional recognition of jury trials in delinquency cases will avoid disruption of the juvenile justice system while offering the same benefits to accused youths now available to adult defendants.

ARGUMENT

I. EMPIRICAL EVIDENCE DEMONSTRATES THAT JURY TRIALS IN JUVENILE COURTS ARE AN ESSENTIAL SAFEGUARD FOR YOUTHS CHARGED WITH DELINQUENCY.

A. The Outcomes Of A Significant Number Of Trials Depend Upon Whether A Judge Or Jury Is Used.

The classic study of the jury system by professors Kalven and Zeisel of the University of Chicago Law School, cited by this Court in *Duncan* v. *Louisiana*, 391 U.S. 145 (1968), established conclusively that in a substantial number of criminal cases the jury trial leads to different results

than would have obtained in judge trials. From an exhaustive analysis of 3,576 cases the authors concluded:

> The jury is less lenient than the judge in 3% of the cases and more lenient than the judge in 19% of the cases. Thus, the jury trials show on balance a net leniency of 16%. This means that in the cases which the defendant decides to bring before the jury, on balance, he fares better 16% of the time than he would have in a bench trial. Kalven and Zeisel, *The American Jury* 59 (1966).

In the cases where the judge and the jury disagreed on the verdict—22% of the cases overall—the differences were generally due to varying interpretations of the evidence by the judge and jury.[1] Differences in outcome were not, however, due to a succumbing on the part of the jury to sentiment, but rather:

> The sentiment gives direction to the resolution of the evidentiary doubt; the evidentiary doubt provides a favorable condition for a response to the sentiment. *Id.* at 165.

The jury, in close cases "by its very architecture, permits a kind of response to common-sense equities which the institution of the judge does not equally permit." *Id.* at 87.

The application of these findings to the realm of juvenile law is self-evident. A recent survey of urban juvenile courts showed that juvenile defendants in over 40% of the cases did not initially plead guilty to the charges. Lefstein, Stapleton and Teitelbaum, *In Search of Juvenile Justice,*

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[1] The judges, however, felt the juries understood the evidence in the vast majority of cases. *Id.* at 152-53.

3 Law & Society Review 491, 530 (1969).[2] Even if, as the Kalven and Zeisel study showed (and as the results of our own juvenile court survey reprinted in Part II of this brief strongly suggest) jury trial is typically resorted to only in serious and close cases, its potential as an "inestimable safeguard against the corrupt or overzealous prosecutor and against the compliant, biased, or eccentric judge" is just as great in juvenile as in adult criminal trials. *Duncan* v. *Louisiana, supra* at 156.

The Kalven and Zeisel study also showed juries were most apt to differ with judges in several kinds of cases with decided import for juveniles. These included cases where the jury felt the wrongful conduct to be *de minimis* in light of the punishment, which with juveniles means possible incarceration to age 21 for any kind of offense. *Id.* at 262. But, even more critical, it included cases that turned on testimony or actions of police officers, by far the most common complainants in juvenile cases. *Id.* at 319. In England, the same phenomena of the jury's more skeptical attitude toward police witnesses has been commented upon. See Cornish, *The Jury* (1968). The author there concluded:

> For the moment one can only conclude that of the various aspects of the jury's function as a bulwark of liberty the most important today is its role in preventing police influence in the courts from becoming dominant. For this reason alone, it is desirable that independent laymen should continue to have some voice in deciding the outcome of serious criminal cases.
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>
> With the growth of police forces, and the number of prosecutions instituted by them, it has fallen more and more upon the jury to provide some check, in serious cases, that the police do not have it all their own way.

[2] The data for this study was gathered by participant observers in three urban juvenile courts (referred to as Gotham, Metro and Zenith). The observers took notes on delinquency cases with the objective of collecting qualitative data on the impact of counsel and on the operation of juvenile courts generally. See pp. 494-504 for a detailed discussion of the characteristics of courts and sample studied and the methodology used.

Cornish, *supra* at 143-4.

On the other hand, a recent in-depth study of an urban juvenile court documented just the opposite attitude by juvenile judges toward conflicts of testimony between youths and police officers.

> While a denounced youth has a fair chance of successfully discrediting a complainant of his own age, and some chance where the complainant is a family member, counter-denunciation directed against officials, particularly against the most frequent complainants in the juvenile court, the police, almost inevitably fail. In fact, to attempt to contradict the police and to a lesser extent other officials, is to risk fundamentally discrediting moral character, for the court recoils against all attacks on the moral authority of any part of the official legal system. Emerson, *Judging Delinquents* 143-5 (1969).[3]

A juvenile, as much as an adult, deserves the benefit of community scrutiny of complainants who are part of the official law enforcement establishment.

A further cause found by Kalven and Zeisel for judge-jury disagreement in close cases was the judge's every-day familiarity with certain types of crimes, common defenses, and even with the specific past record of the individual defendant. Judges were, as a result of this experience, much harder to convince of innocence. Although judge and jury are both theoretically confined to the record in any case, experts here and abroad agree that a judge cannot help but be influenced in his reactions to particular defendants by his daily experience in the criminal courtroom. See Cornish, *supra* at 159-60:

> Regular acquaintance with the vagaries of conduct that provide the daily fare of the criminal courts is unlikely to be experience leading to an optimistic or trusting view of human nature. . . . The danger of an experi-

[3] The data for this study was collected through participant observation at a juvenile court in a large metropolitan area. Participant observation was complemented by interviews with court staff about observed cases. "Research centered on the progress of individual cases through the stages of court processing." *Ibid.*, pp. ix, x.

> enced judge responding 'I've heard that one before' to a case of genuine innocence is one of the very real problems of the system of criminal justice.

Compare Kalven and Zeisel, *supra* at 8:

> . . . [I]t is argued that twelve heads are inevitably better than one; that the jury as a group has wisdom and strength which need not characterize any of its individual members; that it makes up in common sense and common experience what it may lack in professional training, and that its very inexperience is an asset because it secures a fresh perception of each trial avoiding the stereotypes said to infect the judicial eye.

Judges in the jury study often knew information about the particular case before them that was not in the trial record, emanating from pretrial negotiations, motions to suppress, blood tests not offered for admission, withdrawals of guilty pleas, prior arrests, acquittals or even convictions for the same kind of crime. *Id.* at 123. Most crucial, the jury will not know of a defendant's prior record unless he takes the stand, and not even then in all cases, while the judge will almost inevitably know about it. *Id.* at 128, 147. Juries were found to be most sympathetic to a first, and especially a young, offender who took the stand in his own defense. *Id.* at 178.

The opportunity for a juvenile judge to recognize a repeater in his court is typically greater than in the case of an adult defendant. For juvenile judges are more likely to have specialized calendars, and in many jurisdictions all youths come before only one or several judges at the most. Thirty-three percent of delinquency referrals to the District of Columbia Juvenile Court, where there are three judges, have been previously adjudicated in that court.[4] The problem in juvenile courts is intensified by the frequent availability to the judge of social investigation reports prior to a decision on the facts of the case:

[4] See 1969 Annual Report, Juvenile Court of the District of Columbia, table 5A, page 41.

> Perhaps the height of the juvenile court's procedural informality is its failure to differentiate clearly between the adjudication hearing, whose purpose is to determine the truth of the allegations in the petition, and the disposition proceeding, at which the juvenile's background is considered in connection with deciding what to do with him. In many juvenile courts the two questions are dealt with in the same proceeding or are separated only in the minority of cases in which the petition's allegations are at issue. *Even where adjudication and disposition are dealt with separately, the social reports, containing material about background and character that might make objective examination of the facts of the case difficult, are often given to the judge before adjudication.* PRESIDENT'S COMMISSION ON LAW ENFORCEMENT AND ADMINISTRATION OF JUSTICE, TASK FORCE REPORT: JUVENILE DELINQUENCY AND YOUTH CRIME 35 (1967) (Emphasis supplied).

A final finding of the jury study emphasizes the relationship between the right to a jury and the right to a verdict of guilt beyond a reasonable doubt. This Court last term ruled that the reasonable doubt standard must apply equally to juveniles and adults:

> Due process commands that no man shall lose his liberty unless the Government has borne the burden of . . . convincing the fact-finder of his guilt. To this end, the reasonable doubt standard is indispensible, for it *"impresses on the trier of fact the necessity of reaching a subjective state of certitude on the facts in issue."*
>
> Moreover, use of the reasonable-doubt standard is indispensible to command the respect and confidence of the community in application of the criminal law. *It is critical that the moral force of the criminal law not be diluted by a standard of proof which leaves people in doubt whether innocent men are being condemned. It is also important in our free society that every individual going about his ordinary affairs have confidence that his government cannot adjudge him guilty of a criminal offense without convincing a proper fact-finder of his guilt with utmost certainty. In re Winship,* — U.S. —, 25 L. Ed. 2d 368 (1970) (Emphasis supplied).

Yet the jury study found that a significant portion of the different verdicts between judges and juries could be traced to their different "thresholds" of reasonable doubt. The jury's actual standard for conviction tended to be higher, even though the same legal standard applied to both judge and jury:

> Some differences may result not because judge and jury evaluate credibility differently, but because they interpret differently the legal norm of proof beyond a reasonable doubt. The jury may find the evidence as credible as does the judge and may weigh it the same as the judge, and yet may disagree and find the evidence wanting because in its view it falls below the required threshold. Kalven and Zeisel, *supra* at 166.

A juvenile found guilty by a judge because of his more strict definition of reasonable doubt fares little better than his pre-*Winship* counterpart adjudicated under a preponderance of the evidence test. Both have been denied vital rights affecting the outcome of their trials accorded to adult defendants in the same circumstances. As Kalven and Zeisel have so succinctly stated:

> In the end, the point is that the jury, as an expression of the community's conscience, interprets this norm more generously and more intensely than does the judge. *If a society wishes to be serious about convicting only when the state has been put to proof beyond a reasonable doubt, it would be well advised to have a jury system. Id.* at 189-90. (Emphasis supplied).

B. Trial By A Juvenile Court Judge Frequently Offers Little Assurance Of A Fair Result.

In return for forfeiting the right to a jury trial, the average juvenile court defendant receives little or no *quid pro quo*. The skilled, compassionate, highly expert juvenile court judge is rare indeed. The President's Commission on Law Enforcement and the Administration of Criminal Justice found:

> One reason for the failure of the juvenile courts has

> been the community's continuing unwillingness to provide the resources—the people and facilities and concern—necessary to permit them to realize their potential and prevent them from acquiring some of the undesirable features typical of lower criminal courts in this country. In some jurisdictions, for example, the juvenile court judgeship does not have high status in the eyes of the bar, and while there are many juvenile court judges of outstanding ability and devotion, many are not. One crucial presupposition of the juvenile court philosophy—a mature and sophisticated judge, wise and well-versed in law and the science of human behavior—has proved in fact too often unattainable. A recent study of juvenile court judges in the United States revealed that half had no undergraduate degree; a fifth had received no college education at all; a fifth were not members of the bar. Almost three-quarters devote less than a quarter of their time to juvenile and family matters, and judicial hearings often turn out to be little more than attenuated interviews of 10 to 15 minutes duration. CHALLENGE OF CRIME IN A FREE SOCIETY 80 (1967).

An extensive study of three urban juvenile courts conducted after this Court's ruling in *In re Gault*, 387 U.S. 1 (1967), found implementation of the rights laid down in that decision to be partial, prejudicial or missing altogether. In one court studied, for example, the privilege against self-incrimination was totally ignored. Lefstein, *supra* at 521, table 6. In another court advice of the right to counsel was either omitted completely or was only partially or prejudicially given in 99% of all observed cases. *Id.* at 516, table 5. The study concludes:

> One inescapable conclusion stands out from these data on the right to confrontation . . . , the right to counsel . . . , and the privilege against self-incrimination. . . . Despite the Supreme Court's concern for protecting juveniles in jeopardy of losing their liberty, juveniles were at the time of this study and presumably still are remanded to peno-custodial institutions without being afforded their constitutional rights.
> . . . (T)he fact remains that in the Metro and Gotham

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> juvenile courts—and in courts like Metro and Gotham —children are frequently and sometimes flagrantly denied their constitutional rights. Moreover, if we are correct in the belief that resistance to change is related to deep-seated adherence to *parens patriae* concepts, nurtured over long years of service on the juvenile bench, then the changing of judges from their present ways may be painfully slow. *Id.* at 535, 560-61.

In addition, sociologists say that the typical juvenile court proceeding emphasizes the youth's "powerlessness in the face of court power to sanction and incarcerate" and offers him no way to assert his own moral worth, a result which is anti-therapeutic in its very nature. Emerson, *supra* at 174-180. A jury, on the other hand, as a representative of the outside community, acts as a buffer between the youth and the official judicial establishment.

Overall, then, we find that juvenile courts without juries provide slight assurance that justice will be accorded in all cases. Indeed, this Court in the *Gault* decision judged juvenile proceedings wanting in essential respects, and declared applicable the right to counsel and other safeguards. Now it is time to recognize the necessity of an additional safeguard—trial by jury. We know from empirical data that jury trials, as opposed to court trials, frequently lead to different results. Ample evidence suggests that these differences are a function of judicial bias, whereas the jury is a more objective fact-finder, capable of applying the law (e.g., the reasonable doubt standard) with greater sensitivity.

II. EMPIRICAL EVIDENCE GATHERED FROM THE ELEVEN JURISDICTIONS WHICH ALLOW JURY TRIALS IN DELINQUENCY CASES DEMONSTRATES THAT THEIR USE IS INFREQUENT AND DOES NOT RESULT IN CLOGGED COURT CALENDARS OR DISRUPTION OF JUDICIAL ADMINISTRATION.

The statutes in ten states and the District of Columbia contain provisions for the trial of delinquency cases by

juries.[5] In all but two of these states—Kansas and South Dakota—a jury trial must be accorded if requested by the child or in his behalf.[6] In all eleven jurisdictions the statutes predate this Court's 1967 *Gault* decision.

In order to appraise the administrative difficulties which might be encountered by extending the jury trial right to all states, a systematic survey of experience in the eleven jurisdictions with jury trials was undertaken. In June of this year, a questionnaire together with an explanatory letter was mailed to 30 juvenile courts in the ten jury trial states, and a letter and questionnaire were hand delivered to the District of Columbia Juvenile Court. The cities selected to receive the questionnaire were picked at random, but with special emphasis placed upon polling courts serving large metropolitan areas.[7] For each of the ten states our sample

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[5] Colo. Rev. Stat. Ann. §37-8-2 (1964); D. C. Code §16-2307 (1967); Kan. Gen. Stat. Ann. §38-808 (Supp. 1967); Mich. Comp. Laws Ann. Ch. 712 A.17 (1968); Mont. Rev. Codes Ann. §10-603 (1947); Okla. Stat. Ann. Tit. 10 §1110 (Supp. 1968); S.D. Code §27-8-31 (1967); Tex. Rev. Civ. Stat. Ann. 2338-1, §13(b) (Vernon Supp. 1968); W. Va. Code Ann. §49-5-6 (1966); Wisc. Stat. Ann. §48.25(2) (1957); Wyo. Stat. Ann. §14-108(c) (1961).

[6] The Kansas statute provides that the juvenile court "may refer" a child for a jury trial to the criminal courts, and upon a verdict of guilty the case is returned to the juvenile court for sentencing. Apparently in practice this means that a judge exercises discretion in referring a case for a jury trial based partly upon the child's motion. See questionnaires returned by the Topeka and Wichita Juvenile Courts, Appendix C, Apx. 21 and 25; and Appendix D. The South Dakota statute states that "the court may on its own motion order a jury of six to try the case." Presumably this is the reason why the Juvenile Courts in Pierre and Sioux Falls answered "no" to the following question: "Are juveniles in delinquency cases entitled *upon request* to a trial by jury in your jurisdiction?" (Emphasis supplied). See Appendix C, Apx. 61 and 65.

[7] The thirty-one cities together with county populations are as follows: Colorado Springs (El Paso County—181,400), Colorado; Denver (Denver County—489,100), Colorado; Pueblo (Pueblo County—117,200), Colorado; District of Columbia—763,956; Topeka (Shawnee County—150,800), Kansas; Wichita (Sedgwick County—356,200), Kansas; Detroit (Wayne County—2,704,600), Michigan; Flint (Genessee County—422,100), Michigan; Grand Rapids (Kent County—391,200), Michigan; Lansing (Ingham County—246,900), Michigan; Billings (Yellowstone County—80,900), Montana; Butte (Silver Bow County—46,300), Montana; Oklahoma City (Oklahoma County—483,600), Oklahoma; Tulsa (Tulsa County—368,-

contains a minimum of two courts, and in the largest states additional cities were chosen to receive questionnaires. In Michigan, for example, four juvenile courts were sent questionnaires and in Texas a total of eight juvenile courts were polled. All 30 juvenile courts in the ten states serve county populations; the District of Columbia Court, of course, serves the city of Washington. Together the 31 courts polled serve a population in excess of 13 million and each year probably receive for processing as many as 75,000 new delinquency cases.[8] By the end of July, 30 questionnaires had been completed and returned, and one (from Madison, Wisconsin) was partially answered through a telephone call with the Juvenile Court's judge, Honorable Ervin Bruner.

The questionnaire was constructed with two purposes in mind. The first was to determine the extent to which jury trials are requested in delinquency cases, the number of cases actually tried by juries, and the correlation, if any, between legal representation on the one hand and jury trials on the other. If, for example, juvenile courts affording jury

[8] In the District of Columbia Juvenile Court, for example, during fiscal years 1969, 1968 and 1967, the court has received new delinquency referrals in excess of 6,000 per year. See 1969 Annual Report, Juvenile Court of the District of Columbia, table 1, page 7. The D. C. Court serves a population of approximately 800,000, and at this referral rate juvenile courts serving a population of 13,000,000 would receive each year more than 80,000 new juvenile cases. Of course, it is not contended that the rate of referral in the District of Columbia is necessarily the same for the other 30 courts in our sample. This calculation is used merely to permit a rough approximation of the number of delinquency cases *probably* processed by the 31 courts studied.

200), Oklahoma; Pierre (Hughes County—11,900), South Dakota; Sioux Falls (Minnehaha County—92,500), South Dakota; Amarillo (Potter County—121,300), Texas; Austin (Travis County—255,100), Texas; Corpus Christi (Nueces County—236,500), Texas; Dallas (Dallas County—1,163,300), Texas; El Paso (El Paso County—349,300), Texas; Fort Worth (Tarrant County—598,500), Texas; Houston (Harris County—1,536,800), Texas; San Antonio (Bexar County—797,200), Texas; Charleston (Kanawha County—239,800), West Virginia; Huntington (Cabell County—108,800), West Virginia; Madison (Dane County—264,300), Wisconsin; Milwaukee (Milwaukee County—1,038,500), Wisconsin; Racine (Racine County—156,300), Wisconsin; Casper (Natrona County—46,000), Wyoming; and Cheyenne (Laramie County—59,500), Wyoming.

trials were faced with overwhelming demands for such trials and had a backlog of untried jury cases, then presumably extending the right to 40 additional states might precipitate serious administrative problems in juvenile courts. If few jury trials were requested, but few children had legal representation, then perhaps the failure to request a jury could be attributable to a lack of counsel. The concern would, of course, be that with increased legal representation there would be a commensurate demand for jury trials. The questionnaire's second major purpose was to learn more about how the mechanics of juvenile jury trials are handled. Thus, the questionnaire inquires about procedures followed in scheduling jury trials, the size of the jury, selection of the jury panel, and whether the trial is public or private. In the balance of this argument we discuss our findings concerning the frequency of jury trial usage. Questionnaire results pertaining to jury trial procedures, size of the jury, etc., are set forth solely in the appendices, as they require little elaboration.[9]

The outstanding fact that emerges from our data is that jury trials in delinquency cases are infrequently demanded, and this is so even in courts where representation by counsel is extensive. Moreover, very few jury cases actually come to trial and, with the possible exception of one court, demands for jury trials have presented no administrative problems whatsoever.

To be specific, we discovered that during the past five and a half years, in 22 out of 26 courts surveyed, cumulative

[9] The completed questionnaires received from the 31 juvenile courts are reproduced in their entirety in Appendix C. Appendix B contains a sample copy of the covering letter which accompanied the questionnaires sent to the 31 courts. Appendix A contains five charts which summarize data contained in the questionnaires. Appendix D is an extensive chart which sets forth the identical material contained in the completed questionnaires arranged in a format to facilitate comparison. Specific references to appendices is not contained in the text or footnotes, except where the data referred to is contained in charts in Appendix A. Data related to specific courts can be located in that court's completed questionnaire (Appendix C) or in the comparative chart (Appendix D), both of which are arranged in alphabetical order by states and then by cities.

requests for jury trials totaled 15 or less.[10] In the remaining five courts in our sample, statistics were unavailable. During the same period, in 26 out of 29 courts the cumulative number of jury trials actually held numbered 15 or less, with statistics unavaiable for two courts in our sample.[11] For example, in Tulsa, Oklahoma, counsel is present in 100% of delinquency cases, but only one jury trial has been requested and held during the past five and one-half years. In the Juvenile Court of Fort Worth, Texas, counsel is also present in 100% of the cases, and only two jury trials have been requested since 1967. The Juvenile Court in Detroit, Michigan, reports that counsel is appointed in 70-80% of its delinquency cases, but thus far in 1970, it has had only four requests for a jury. Between 1965 and 1969 requests for juries were reported as "very few." [12]

In only four juvenile courts in our sample has there clearly been a total during the past five and one-half years of more than 15 jury trial requests and/or more than 15 such

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[10] See Chart IV, Appendix A, Apx. 2.

[11] See Chart V, Appendix A, Apx. 3.

[12] In fact, about one-fifth of the courts in our study have not had a single request for a jury trial in the past five and one-half years, and one-third of the courts have not actually held a jury trial during the same period. Our findings are consistent with frequent predictions that juvenile jury trials will be seldom requested. *E.g.*, *Peyton* v. *Nord*, 437 P.2d 716, 726 (N.M. 1968); Paulsen, *Kent* v. *United States: The Constitutional Context of Juvenile Cases, The Supreme Court Review* 186 (1966); Note, *A Due Process Dilemma—Juries For Juveniles*, 45 N.Dak. L. Rev. 251, 273 (1969). But even if administrative problems did arise with implementation of a jury trial right, surely this could not be reason for withholding its extension to juvenile courts. Last term this Court held that the right to a jury trial extends to misdemeanor trials where the possible penalty exceeds six months. Baldwin v. New York, — U.S. —, 26 L. Ed.2d 437 (1970). While conceding that benefits result from speedy and inexpensive non-jury adjudications, the Court also said:

> We cannot, however, conclude that these administrative conveniences . . . justify denying an accused the important right to trial by jury. . . . . 26 L. Ed. 2d at 443.

This Court has repeatetdly refused to compromise constitutional rights because of administrative convenience and expediency. *E.g.*, Gilbert v. California, 388 U.S. 263 (1967); United States v. Wade, 388 U.S. 218 (1967); Baxstrom v. Herold, 383 U.S. 107 (1966); Fay v. Noia, 372 U.S. 391 (1963); Douglas v. California, 372 U.S. 353 (1963); Gideon v. Wainwright, 372 U.S. 335 (1963).

trials held. The four courts are:[13]

DENVER, COLORADO

	Requests	Trials
1965	4	1
1966	3	1
1967	7	3
1968	9	6
1969	118	13
1970 (mid)	32	13

HOUSTON, TEXAS

	Requests	Trials
1965	about 15	15
1966	"	"
1967	"	"
1968	"	"
1969	"	"
1970 (mid)	"	"

MILWAUKEE, WISCONSIN

	Requests	Trials
1965	0	0
1966	0	0
1967	2	0
1968	5	2
1969	20	6
1970 (mid)	6	2

WASHINGTON, D.C.

	Requests	Trials
1965	[pre-Gault	10
1966	about 5-10	12
1967	per month]	15
1968	[currently	33
1969	about 50-60	45
1970 (mid)	per month]	32

Legal representation in delinquency cases in the foregoing courts is 100% in Houston, approximately 90% in both

[13] The charts contained here are reprinted precisely as filled out by the four courts involved, and are also reproduced in Appendix C.

Milwaukee and Washington, and about 75% in Denver. Since our questionnaire did not inquire whether the number of requests for jury trials posed administrative problems, we telephoned the courts in Denver, Houston and Milwaukee in order to obtain firsthand appraisals of their situations. The responses indicated that either there was not a serious backlog of untried cases, jury or otherwise, or the existing backlog was not due to requests for jury trials.[14] In the District of Columbia—the jurisdiction with which we are most familiar—a backlog of untried jury cases has developed. However a recent management study of the court found that present administrative problems do not result from the length of time it takes to try jury cases, but are due instead to a lack of calendar control.[15] Significantly, the study also notes that existing facilities for jury trials have not become inadequate with an increase in the numbers of such trials requested,[16] and that attorneys do

[14] On August 25, 1970, Charles Rosenbleet, Law Clerk, Public Defender Service for the District of Columbia, spoke by telephone with the following persons: Jack N. Lange, Chief Deputy Clerk of Milwaukee's Juvenile Court; D. H. Baker, Assistant Chief Probation Officer of Houston's Juvenile Court; and Sherron Cadenhead, Administrative Secretary of Denver's Juvenile Court. Mr. Lange stated that jury trial requests and/or the holding of jury trials have in no way contributed to any backlog in Milwaukee's Juvenile Court. In Houston, according to D. H. Baker, there is a serious backlog of untried cases in the Juvenile Court, but the small number of jury trial requests (approximately 15 annually out of a total of 4,000 cases) have not caused any problems. Sherron Cadenhead noted that there was a slight backlog of unresolved delinquency cases, but said that requests for jury trials have not significantly contributed to the problem.

[15] "Jury trials unquestionably take longer than court trials, partly because of the length of time it takes to choose a jury. However, an examination of the juvenile jury calendars of the two judges who handled juvenile jury trials over the 8-month period from January through August, 1969, clearly indicates that the large juvenile jury backlog is not caused by the length of time it takes to try jury cases, but rather was caused by a lack of calendar control creating calendar breakdowns. . . ." Court Management Study, *A Study of the Juvenile Court of the District of Columbia* 85 (April 1, 1970).

[16] "Members of the bench have expressed the need for more jury trial rooms. Nevertheless, the one jury courtroom is used only two days per week for jury trials and the rest of the time by the Chief Judge for initial hearings where jurors are not needed. In addition to the ineffective use of this one jury trial room. . . ." *Id.* at 122.

not demand juries as a delaying tactic.[17]

Overall our data reveals that while lawyer representation of juveniles has increased since the *Gault* decision, this has not meant an increase in the number of jury trials requested. While 24 juvenile courts acknowledged that lawyer representation had increased since *Gault*, and 18 out of 29 courts reported lawyer representation totaling 50% or better,[18] generally, no significant increase was found in the number of jury trials requested. Indeed, this is true of nine juvenile courts which reported the presence of counsel in 100% of their delinquency cases.[19] The only exceptions to this appear to be the juvenile courts in Milwaukee, Denver, and the District of Columbia.

The foregoing data, *Amicus Curiae* submits, provides strong evidence that nationwide recognition of the jury trial right in delinquency cases will not create significant administrative difficulties for the juvenile justice system. The requirements of due process can be accommodated by affording a jury trial in the relatively small percentage of cases where one is sought.

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[17] *Id.* at 86.

[18] See Chart III, Appendix A, Apx. 2.

[19] See data in Appendix C and D related to Austin, Amarillo, Corpus Christi, Fort Worth and San Antonio, Texas; Topeka and Wichita, Kansas; Tulsa, Oklahoma; and Cheyenne, Wyoming.

CONCLUSION

For the foregoing reasons, this Court should reverse the judgment of the Supreme Court of North Carolina, and hold that juveniles are constitutionally entitled to trial by jury on the issue of their delinquency in juvenile court proceedings.

Respectfully submitted,

NORMAN LEFSTEIN
LAWRENCE H. SCHWARTZ
Public Defender Service
310 Sixth Street, N.W.
Washington, D.C. 20001

MARTIN MENDELSOHN
Neighborhood Legal Services Program
224 Seventh Street, S.E.
Washington, D.C. 20003

Of Counsel:
PATRICIA M. WALD
2100 M Street, N.W.
Washington, D.C. 20037

APPENDIX A

Chart I

PRIVATE OR PUBLIC JURY TRIALS

	Courts
Private	16
Public	10
Either Private or Public	2
Statistics Unavailable	3

II

COMPOSITION OF JURIES

	Courts
Jury of 12	18
Jury of 6	8
Either 6 or 12	2
Statistics Unavailable	3

III

PERCENTAGE OF DELINQUENCY CASES WITH LEGAL REPRESENTATION MID-1970

	Courts
100%	10
90%	2
75-80%	2
50-60%	4
20-30%	3
10-15%	5
1-7%	3
Statistics Unavailable	2

IV

REQUESTS FOR JURY TRIALS 1965 THROUGH MID-1970

	Courts
0 requests	6
1-5	10
6-15	6
More than 15	4
Statistics Unavailable	5

V

JURY TRIALS HELD
1965 THROUGH MID-1970

	Courts
0 jury trials held	11
1-5	13
6-15	2
More than 15	3
Statistics Unavailable	2

APPENDIX B

Apx. 4

LEGAL AID AGENCY
FOR THE DISTRICT OF COLUMBIA
COURTS BUILDING
310 Sixth Street, N. W.
Washington, D. C. 20001
Telephone (202) 629-6179

Board of Trustees
Samuel Dash, Chairman
Shelia P. Bowers
Paul R. Connally
Paul E. Miller
Sidney S. Sachs
Fred M. Vinson Jr.

Barbara Allen Bowman
Director
629-5021
Norman Lefstein
Deputy Director
629-5021

June ___, 1970

Mr. _____
_____
_____

Dear Mr. _____:

I recently spoke with you concerning the practice of your Court in providing jury trials in juvenile proceedings.

To assist us in research we are conducting we would appreciate your completing the enclosed questionnaire and returning it in the stamped, self-addressed envelope. We plan to use the results of our research in a friend of the court brief to be filed with the Supreme Court of the United States.

In order for the questionnaire to be used in our brief, it is necessary that we have the completed form in our possession not later than June 26, 1970.

Thank you for your time and assistance.

Sincerely,

Charles Rosenbleet
Law Clerk

Enclosure

APPENDIX C

QUESTIONNAIRE

Your Name: John Salimeno

Position: Probation Counselor

Address: El Paso County Courthouse
Colorado Springs, Colorado 80902

Juvenile Court of: Fourth Judicial District

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.
By motion or orally to the court.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES __x__ NO _____

3(c). If "YES", what is the time limit?
within 10 days of the set hearing

4(a). Is the juvenile jury trial private or public?

PRIVATE __x__ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?
The press and any interested parties may attend.

5(a). What is the composition of the jury?

JURY OF 6 not more than JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

20-25 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES x NO _____

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 2 1968 1

1969 1 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO x

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 2 1968 0

1969 0 1970 (to date) _____

We do not believe the increase for attorney or juvenile jury trials is recourse of the Gault decission, but because of our States new Juvenile Code which went into effect on July 1, 1967.

QUESTIONNAIRE

Your Name: Sherron Cadenhead

Position: Administrative Secretary

Address: City & County Building, Room 154

Denver, Colorado 80202

Juvenile Court of: Denver, Colorado

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES X NO _____

2(b). If "YES", please briefly state the exceptions.

Exceptions are when the allegations of a delinquent act is made to revoke or modify a previously sustained delinquency petition.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Orally.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES X **NO** _____

3(c). If "YES", what is the time limit? On the date of trial setting.

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ **PUBLIC** X

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 X **JURY OF 12** _____ **OTHER** _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES _____ NO X

6(b). If "NO", how do the procedures differ?

Selected according to rules of civil procedure rather than criminal.

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

75 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES X NO _____

8(b). How many requests were made in the years listed below?

1965 4 1966 3 1967 7 1968 9

1969 118 1970 (to date) 32

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES X NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 1 1966 1 1967 3 1968 6 (2 children involved in trial).

1969 13 1970 (to date) 13

QUESTIONNAIRE

Your Name: William G. Childress *William G. Childress*

Position: Probation Counselor

Address: Juvenile Probation Department
Pueblo County Judicial Building
Pueblo, Colorado 81003

Juvenile Court of: District Court - Div. D
10th Judicial District

PLEASE NOTE:

I. Deliaquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.
Any of these procedures would be acceptable.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE X PUBLIC _____ (Could be opened to public "by order of the Court" - never has been done.)

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?
Press is informed of results of hearing, age of child, and substance of charges without names and addresses being revealed.

5(a). What is the composition of the jury?

JURY OF 6 X JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

In re: Gault has had little, if any, effect. Revision of Colorado Statues, effective date July 1, 1967, by providing means for court appointed counsel in indigent cases has increased lawyer participation representing juveniles.

YES _____ NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

15%

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) one

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 1

1969 0 1970 (to date) 0 (One scheduled to be heard August 28, 1970)

QUESTIONNAIRE

Your Name: HON. ORMAN W. KETCHAM

Position: Judge of Juvenile Court

Address: 410 E Street, N.W.

Washington, D.C.

Juvenile Court of: District of Columbia

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES X NO _____

2(b). If "YES", please briefly state the exceptions.

Any case in which an adult would not be entitled to jury trial (i.e. beyond control, truancy, etc.) By appellate opinion of U.S. Ct. of App.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Usually orally at time pf pleading (Initial Hearing)

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _X_ NO _____

3(c). If "YES", what is the time limit?

Within 5 days of pleading or entry of appearance of atty, whichever is later

4(a). Is the juvenile jury trial private or public?

PRIVATE _X_ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

Except for jurors, etc.

Yes, press and qualified observers are regularly admitted to all sessions (jury, non-jury, etc.) provided no disclosure of identity.

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _X_ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES: X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

90 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES X NO _____

8(b). How many requests were made in the years listed below?

See below 1965 _____ 1966 _____ 1967 _____ 1968 ___

1969 _____ 1970 (to date) _____

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES X NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 10 (est.) 1966 12 (est.) 1967 15 1968 33

1969 45 1970 (to date) 32 through March 31, 1970)

SUGGESTED NOTE TO 8 (b): No actual data on the number of requests for jury trial are readily available for those years. Currently, we are getting about 50-60 requests for jury trials per month. Prior to Gault, the number of requests are roughly estimated at about 5-10 per month. Some further indication of the increase in the number of requests since Gault were the number of cases awaiting jury trial on the following dates:

March 31, 1966 - 16
March 31, 1967 - 22
March 31, 1968 - 111
March 31, 1969 - 242
March 31, 1970 - 288

QUESTIONNAIRE

Your Name: Roger L. McCollister

Position: Prosecutor

Address: Shawnee County Juvenile Court

County Court House, Topeka, Kansas 66603

Juvenile Court of: Shawnee County, Kansas

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES x NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO x

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Certification procedure on request of guardian ad litem and at discretion of court.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO __X__ Just that it must be made prior to the commencement of the Juvenile hearing.

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE __X__ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

The press and other persons are admitted only on approval by the respondent and then also with approval of the judge.

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 __X__ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO x

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 1

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO x

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 1

QUESTIONNAIRE

Your Name: Harold Cook

Position: Intake Supervisor

Address: 525 N. Main

Wichita, Kansas

Juvenile Court of: Sedgwick County

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES _____ NO X

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES X NO _____

2(b). If "YES", please briefly state the exceptions.

In the courts' discretion, a felony type case may be referred to district court for trial by jury, then remanded to juvenile court for final disposition. This is the same as a demand for jury trial except the court is making the request.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

A motion is filed with the assignment judge of the District Court.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO _X_

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC _X_

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _X_ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

_____%

By law in Kansas, every juvenile alleged to have committed an offense, must be represented by counsel. This is usually by guardian ad litem provided by the court. We have noticed an increase in the number of cases having retained counsel since Gault.

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO _X_

8(b). How many requests were made in the years listed below?

NO EXACT FIGURES AVAILABLE - VERY FEW CASES

1965 _____ 1966 _____ 1967 _____ 1968 _____

1969 _____ 1970 (to date) _____

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO _X_

9(b). How many juvenile jury trials were held in the years listed below?

PROBABLY LESS THAN 5 IN ANY ONE YEAR.

1965 _____ 1966 _____ 1967 _____ 1968 _____

1969 _____ 1970 (to date) _____

QUESTIONNAIRE

Your Name: John Kurland

Position: Register - Wayne County Juvenile Court

Address: 1025 E. Forest Avenue
Detroit, Michigan 48207

Juvenile Court of: Wayne County, Michigan

(PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES X NO _____

2(b). If "YES", please briefly state the exceptions.

Hearing on violation of probation

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Written request prior to hearing

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO x but see 3 a

3(c). If "YES", what is the time limit?

see 3 a

4(a). Is the juvenile jury trial private or public?

PRIVATE x PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

Judge can permit others in at hea ing--depending on circumstances.

5(a). What is the composition of the jury?

JURY OF 6 x JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

_____%

We have never kept a statistical record. In addition to some privately retained attorneys the court appoints counsel in 70-80 cases a month.

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES X NO _____

8(b). How many requests were made in the years listed below?

SEE BELOW

1965 _____ 1966 _____ 1967 _____ 1968 ___

1969 _____ 1970 (to date) _____

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 1 1968 0

1969 0 1970 (to date) 0

8(b). Actually very few requests for jury trials are made--we probably had about 4-5 this year of which 1 request is pending. Actually after preliminary discussion the requests have been withdrawn.

QUESTIONNAIRE

Your Name: Gerald Thalhammer

Position: Casework Supervisor, Juvenile Probation

Address: 919 Beach St.

Flint, Michigan 48502

Juvenile Court of: _____

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

3(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES X NO _____

2(b). If "YES", please briefly state the exceptions.

In the event a child is charged with a violation of probation, he shall not be entitled to a jury trial.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

A request for a jury trial shall be filed in writing prior to the hearing.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _x_ NO _____

3(c). If "YES", what is the time limit?

The Michigan Juvenile Court rules specify "before the hearing"

4(a). Is the juvenile jury trial private or public?

PRIVATE _x_ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

No exceptions have been made--

5(a). What is the composition of the jury?

JURY OF 6 _x_ JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES __X__ NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES __X__ NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

10 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO _x_

8(b). How many requests were made in the years listed below?

1965 _____ 1966 _1_ 1967 _____ 1968 ___

1969 _1_ 1970 (to date) _____

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO _x_

9(b). How many juvenile jury trials were held in the years listed below?

1965 no records 1966 _1_ 1967 _0_ 1968 _0_

1969 _1_ 1970 (to date) _0_

QUESTIONNAIRE

Your Name: Roger L. Lewis
Director of Court Services
Position:
1501 Cedar St. N.E.
Address:
Grand Rapids, Michigan 49503

Juvenile Court of: Kent County

(PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best YOU can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES XX NO _____

1(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO XX

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Request can be made orally at the time of preliminary hearing, or subsequently in writing.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO XX

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE XX PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

Not usually. If press or others were permitted to observe a proscription would be placed upon identifying persons involved or in repeating specific testimony.

5(a). What is the composition of the jury?

JURY OF 6 XX JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES XX NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES XX NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

5-7 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES XX NO _____

8(b). How many requests were made in the years listed below?

1965 _____ 1966 _____ 1967 _____ 1968 1

1969 1 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES XX NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 _____ 1966 _____ 1967 _____ 1968 1

1969 1 1970 (to date) 0

QUESTIONNAIRE

Your Name: Warren A. Ritter

Position: Director of Children's Services

Address: 608 S. Washington Avenue

Lansing, Michigan 48933

Juvenile Court of: Ingham County

PLEASE NOTE:

I. Deliaquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

orally or by demand for jury

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE X PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

No.

5(a). What is the composition of the jury?

JURY OF 6 X JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

20 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES X NO _____

8(b). How many requests were made in the years listed below?

1965 2 1966 2 1967 2 1968 0

1969 4 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 2 1967 0 1968 0

1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: ALBERT THOMAS

Position: CHIEF PROBATION OFFICER

Address: 610 COURTHOUSE

BILLINGS, MONTANA 59101

Juvenile Court of: 13 JUDICIAL DISTRICT
NOTE: YELLOWSTONE CO.

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.
ORALLY

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE X PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?
NO

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _____ NO X

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

5 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: John T. Sheehan.

Position: Chief Probation Officer

Address: Court House.

Butte, Montana.

Juvenile Court of: Silver Bow County, Montana

Second Judicial District.

(PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO No

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Request in writing of orally

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X ?

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC X

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 or 12 JURY OF 12 _____ OTHER _____

At the discretion of the Court

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _____ NO X

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

1 %

In my twenty seven years in this position, we have had only one jury trial in the juvenile Court.

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 none 1966 none 1967 none 1968 none

1969 none 1970 (to date) none

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below? None---

1965 _____ 1966 _____ 1967 _____ 1968 _____

1969 _____ 1970 (to date) _____

John T. Gluch

Chief Probation Officer,
Butte, Montana.

QUESTIONNAIRE

Your Name: HOMER SMITH

Position: Associate District Judge

Address: Room 214, County Courthouse

Oklahoma City, Okla. 73102

Juvenile Court of: JUVENILE DIVISION OF DISTRICT COURT OF OKLAHOMA COUNTY

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.
Either by formal written

3(b). Must the request for a juvenile jury trial be made within a certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC X

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _____ NO X

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

50 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 approx. 1966 0 1967 0 1968 2 approx.
1969 3 1970 (to date) 2

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 1
1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: G A "Bob" Evans, RSW

Position: Director

Address: 815 S. 25th West Avenue

Tulsa, Okla. 74127

Juvenile Court of: Tulsa County, State of Okla.

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES x NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO x

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Orally, as a matter of practice.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _x_ NO _____

3(c). If "YES", what is the time limit?

10 days approx.

4(a). Is the juvenile jury trial private or public?

PRIVATE _x_ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

Yes, with permission of the Court the hearing can be made public. Exceptions made in private hearings for interested parties.

5(a). What is the composition of the jury?

JURY OF 6 _x_ JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _____ NO X We require attorneys present at every stage of proceedings--before and after Gault.

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO __x__

8(b). How many requests were made in the years listed below?

1965 __0__ 1966 __1__ 1967 __0__ 1968 __0__

1969 __0__ 1970 (to date) __0__

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO __x__

9(b). How many juvenile jury trials were held in the years listed below?

1965 __0__ 1966 __1__ 1967 __0__ 1968 __0__

1969 __0__ 1970 (to date) __0__

QUESTIONNAIRE

Your Name: Thomas Saffel

Position: Probation Officer

Address: Hughes County Court House
Pierre, South Dakota

Juvenile Court of: 10th District

PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES _____ NO X

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO _____

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO _____

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES _____ NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

50 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES x NO _____

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 1

1969 1 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO x

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: Jerry Gravette

Position: Probation Officer

Address: 4th District County Court
Minnehaha County

Juvenile Court of: Sioux Falls, South Dakota 57102

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES _____ NO x Cases can be transferred to adult court, but transfer is at the discretion of the Juvenile Court.

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

We request a copy of your brief.

YES _____ NO _____

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO _____

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify. _____

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES _____ NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _____ NO X

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

15 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO _____

8(b). How many requests were made in the years listed below?

1965 _____ 1966 _____ 1967 _____ 1968 ___

1969 _____ 1970 (to date) _____

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 _____ 1966 _____ 1967 _____ 1968 ___

1969 _____ 1970 (to date) _____

QUESTIONNAIRE

Your Name: Dann Barger

Position: Chief Juvenile Probation Officer

Address: Room 502 Potter County Courthouse Amarillo, Texas 79101

Juvenile Court of: Domestic Relations

PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly. Motion by lawyer and the filing of a fee.

3(b). Must the request for a juvenile jury trial be made within any certain time limit? Generally five days prior to trial/

YES X NO _____

3(c). If "YES", what is the time limit?
See above.

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC X No Camaras but the press.

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES ___X___ NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES ___X___ NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

~~100~~ %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 1966 1 1967 0 1968 1

1969 0 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 1 1967 0 1968 1

1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: Ray Grill

Position: Juvenile Court Attorney

Address: 2515 South Congress

Austin, Texas 78704

Juvenile Court of: Travis County

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES X NO _____

2(b). If "YES", please briefly state the exceptions.

Informal hearing on the issue of waiver of jurisdiction for juveniles over 15 years of age who are charged with a felony.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Motion and payment of a jury fee ($5 in a district court, $3 in a county court)

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES X **NO** _____

3(c). If "YES", what is the time limit?

A reasonable time no less than 10 days prior to the trial.

4(a). Is the juvenile jury trial private or public?

PRIVATE X **PUBLIC** _____

At the discretion of the judge.

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

If a child who has previously been declared delinquent, is charged with a felony, the hearing is open to persons with a legitimate interest, including representatives of the news media.

5(a). What is the composition of the jury?

JURY OF 6 _____ **JURY OF 12** X **OTHER** _____

For district court sitting as juvenile court. (A county court sitting as Juvenile Court would have a jury of 6).

COPY BOUN

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

In civil courts.

6(b). If "NO", how do the procedures differ?

The procedures in juvenile jury selection and adult criminal courts differ only in the number and time of peremptory challenges. In the adult jury selection, each juror is selected and challenged individually. In the juvenile jury (cont'd)

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

6(b) selection, the peremptory challenges are made after all challenges for cause on the prospective jurors are complete.

OUND CLOSE IN CENTER

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: Gerald Ceasna

Position: Assistant Director

Address: ~~2310 Gollihar Road~~
Corpus Christi, Texas 78415

Juvenile Court of: Nueces County, Texas

PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

N/A

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Upon motion from counsel for the State or the counsel for juvenile.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES X NO _____

3(c). If "YES", what is the time limit?
Not less than 10 days before the date set for trial.

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC X Local rule provides for closed hearings--State rule-public

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions

N/A

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

N/A

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in udult trials in the adult courts?

YES _x_ NO _____

6(b). If "NO", how do the procedures differ?

N/A

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _x_ NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES x NO _____

8(b). How many requests were made in the years listed below?

1965 unknown 1966 unknown 1967 1 1968 2

1969 4 1970 (to date) 3

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES x NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 none 1966 none 1967 none 1968 none

1969 none 1970 (to date) 1

QUESTIONNAIRE

Your Name: Charles W. Ferguson

Position: Administrative Supervisor

Address: 4711 Harry Hines Blvd.
Dallas, Texas 75235

Juvenile Court of: Dallas County, Texas

PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES x NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES x NO _____

2(b). If "YES", please briefly state the exceptions.

In hearing to determine whether or not to waive jurisdiction to district court for criminal proceedings.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Motion

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC X

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES _X_ NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _X_ NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

10 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO x

8(b). How many requests were made in the years listed below?
No specific record, statistically---almost none.

1965 _____ 1966 _____ 1967 _____ 1968 _____

1969 _____ 1970 (to date) _____

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO x

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 1

QUESTIONNAIRE

Your Name: M.W. Raley

Position: Chief Probation Officer

Address: 333 Cargill Road

El Paso, Texas 79905

Juvenile Court of: El Paso County

PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES x NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO x

2(b). If "YES", please briefly state the exceptions.

N/A

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Motion by Attorney

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO _x_

3(c). If "YES", what is the time limit?

N/A

4(a). Is the juvenile jury trial private or public?

PRIVATE _x_ PUBLIC _x_ (can be either)

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

No

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _x_ OTHER _____

5(b). If "OTHER", please specify.

N/A

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES _x_ NO _____

6(b). If "NO", how do the procedures differ?

N/A

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _x_ NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

60 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES x NO _____

8(b). How many requests were made in the years listed below?

1965 1 1966 0 1967 1 1968 0

1969 3 1970 (to date) 10

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES x NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 1

QUESTIONNAIRE

Your Name: David A. Jackson

Position: Asst. Chief Probation Officer

Address: Civil Courts Building

Ft. Worth, Texas 76116

Juvenile Court of: Tarrant County, Texas

PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES x NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO x

2(b). If "YES", please briefly state the exceptions.

_____

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Usually Oral - Can be by motion.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO __X__ (No provision made in statutes.)

3(c). If "YES", what is the time limit?

_____

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC __X__

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

_____

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 __X__ OTHER _____

5(b). If "OTHER", please specify.

_____

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

_____

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 1 1966 _____ 1967 1 1968 1

1969 _____ 1970 (to date) _____

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 1 1966 _____ 1967 1 1968 1

1969 _____ 1970 (to date) _____

QUESTIONNAIRE

Your Name: D. H. Baker

Position: Assistant Chief

Address: 3540 W. Dallas

Houston, Texas 77019

Juvenile Court of: _____

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.
Usual standard way of paying fee

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _X_ NO _____

3(c). If "YES", what is the time limit?
according to law

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC _X_

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _X_ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 about same 1966 " 1967 " 1968 "

1969 " 1970 (to date) "

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 15 1966 " 1967 " 1968 "

1969 " 1970 (to date) "

QUESTIONNAIRE

Your Name: Richard Moreno

Position: Chief Probation Officer

Address: 203 W. Nueva St.

San Antonio, Texas 78207

Juvenile Court of: Bexar County, Texas

PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES XX NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO XX

2(b). If "YES", please briefly state the exceptions.

_____

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Defense atty. files short (one sentence form) "Jury Demand"

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ **NO** XX

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ **PUBLIC** XX

Texas statutes provide that the Court may hold private hearings. Present practice here is to hold all hearings, (*bel

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 _____ **JURY OF 12** XX **OTHER** _____

*jury or non-jury, in open Court.

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES XX NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES XX NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

1969 statute provides that juveniles must be represented by legal counsel. Juvenile Court can now appoint counsel for indigents (paid by County) or can order parents, under penalty of contempt, to employ legal counsel for their child.

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES X (slight) NO _____

8(b). How many requests were made in the years listed below?

1965 _____ 1966 _____ 1967 _____ 1968 _____

1969 _____ 1970 (to date) _____ (figures not available)

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES X (slight) NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 1 1968 2-3

1969 6-8 1970 (to date) 4 Approximate Figures

QUESTIONNAIRE

Your Name: Kervin D. Knapp

Position: Chief Probation Officer

Address: 404 1/2 Kanawha Blvd. E.

Charleston, W. Va. 25301

Juvenile Court of: Kanawha County

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

3(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.
Request of defense attorney

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE X PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?
Exceptions made by the Judge

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES _____ NO _____ Jurors are selected from the County Civil Court.

6(b). If "NO", how do the procedures differ?

No set or defined procedures

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

50 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 1

1969 0 1970 (to date) _____

Our only Jury Trial was held in 1963

QUESTIONNAIRE

Your Name: Douglas B. White

Position: Chief Probation Officer

Address: Cabell County Courthouse

Huntington, West Virginia

Juvenile Court of: Cabell County W. Va.

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Following explanation of their rights under the Constitution of N.S. and Constitution of the State of West Virginia

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC _____ Discretion of Judge

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

Discretion of Judge

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

30 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 _____ 1966 _____ 1967 _____ 1968 _

1969 _____ 1970 (to date) _____ Total - 10

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 _

1969 0 1970 (to date) 0 none

QUESTIONNAIRE (Information acquired through telephone conversation)

Your Name: Hon. Ervin Bruner

Position: Judge of Juvenile Court

Address: Room 313-B, City-County Bldg.
Madison, Wisconsin

Juvenile Court of: Dane County

(PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO _____

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO _____

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE _____ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _____ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES _____ NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES _____ NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

_____%

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO X

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: Jack N. Lange

Position: Chief Deputy Clerk

Address: Milwaukee County Children's Court Center
10201 W. Watertown Plank Road
Milwaukee, Wisconsin 53226

Juvenile Court of: Milwaukee County

(PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Orally to court and a written jury demand is filed with the court.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _X_ NO _____

3(c). If "YES", what is the time limit?

10 days after case is noticed for trial.

4(a). Is the juvenile jury trial private or public?

PRIVATE _X_ PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

Press admitted(cannot use juvenile's name)
No other person allowed in court unless permission is granted by the judge.
Our court hearings are closed to the public.

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 _X_ OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as these jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

90 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES x NO _____

8(b). How many requests were made in the years listed below?

1965 none 1966 none 1967 2 1968 5

1969 20 1970 (to date) 6

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES x NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 -- 1966 -- 1967 -- 1968 2

1969 6 1970 (to date) 2

QUESTIONNAIRE

Your Name: JOHN C AHLGRIMM

Position: COUNTY JUDGE

Address: COURT HOUSE

RACINE WISCONSIN

Juvenile Court of: RACINE COUNTY

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Orally at the time of initial appearance
(generally I follow the criminal statutes)

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE X PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

By request to the Court

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

Wisconsin statutes provide for a 6 man jury.
However, I grant a 12 man jury unless waived.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

10 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES X NO _____

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 4

1969 6 1970 (to date) 1

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO 0

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

QUESTIONNAIRE

Your Name: Chas. H. Hancock

Position: Juvenile Probation Officer

Address: City-County Bldg.

Casper, Wyoming

Juvenile Court of: Natrona County - 7th Judicial Dist.

[PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

2(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO XX

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.
Upon application of counsel.

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES _____ NO X -except reasonable notice

3(c). If "YES", what is the time limit?

4(a). Is the juvenile jury trial private or public?

PRIVATE X PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?
Trials are private, No exceptions.

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 XX OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES X NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES X NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

80 % Always where there is a possibility of a committment however remote.

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO X

8(b). How many requests were made in the years listed below?

1965 0 1966 _____ 1967 _____ 1968 _____

1969 _____ 1970 (to date) 1

Will average 1 per year. Usually settled otherwise.

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES X NO _____

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 1

This is for the State of Wyoming. So far only 1 has ever been held. This was this year.

QUESTIONNAIRE

Your Name: John W. Pattno

Position: County and Prosecuting Attorney

Address: Suite 203 Teton Building

Cheyenne, Wyoming

Juvenile Court of: Laramie County, Wyoming

(PLEASE NOTE:

I. Delinquency, as used in this questionnaire, includes those juveniles charged with law violations or in petitions alleging runaway, truancy, beyond control, etc. Delinquency does not include cases of dependency, neglect, or trials involving adults in non-support cases.

II. In those questions where statistics are requested: if exact figures are unavailable, please estimate as best you can. We appreciate that in several instances the questionnaire asks for data which is not normally maintained by juvenile courts.]

1. Are juveniles in delinquency cases entitled upon request to a trial by jury in your jurisdiction?

YES X NO _____

3(a). If juveniles are entitled to such a jury trial, are there any exceptions as to types of cases in which the right to a jury is denied?

YES _____ NO X

2(b). If "YES", please briefly state the exceptions.

3(a). How is the request for a juvenile jury trial made (e.g., motion, certification, orally, etc.)? Please explain briefly.

Motion

3(b). Must the request for a juvenile jury trial be made within any certain time limit?

YES X NO _____

3(c). If "YES", what is the time limit?

At time of pleading

4(a). Is the juvenile jury trial private or public?

PRIVATE X PUBLIC _____

4(b). If the juvenile jury trial is private, are exceptions made for the press and any other persons and under what conditions?

No

5(a). What is the composition of the jury?

JURY OF 6 _____ JURY OF 12 X OTHER _____

5(b). If "OTHER", please specify.

6(a). Are the jurors sitting in juvenile jury trials selected through the same procedures as those jurors sitting in adult trials in the adult courts?

YES x NO _____

6(b). If "NO", how do the procedures differ?

7(a). Since the U.S. Supreme Court's decision of In re Gault (May 15, 1967), has there been an increase in the number of lawyers representing juveniles in delinquency cases?

YES x NO _____

7(b). At present, in approximately what percentage of cases do lawyers represent juveniles in delinquency cases?

100 %

8(a). Since Gault, has there been an increase in the number of requests for juvenile jury trials?

YES _____ NO x

8(b). How many requests were made in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

9(a). Since Gault, has there been an increase in the number of actual juvenile jury trials held?

YES _____ NO x

9(b). How many juvenile jury trials were held in the years listed below?

1965 0 1966 0 1967 0 1968 0

1969 0 1970 (to date) 0

APPENDIX D